IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION 1:07cv23

JOHN M. KING,)
Plaintiff,)
Vs.	ORDER
FLETCHER POLICE OFFICERS JEFF MEDLEY- JOHN MUNRO TIM FOX,))))
Defendants.)))

THIS MATTER is before the court on plaintiff's paper writing filed April 10, 2007, and captioned "R.E. Motion for Discovery." In that pleading, plaintiff requests that the results of an investigation done on a complaint he filed with the Fletcher Police Department be subpoenaed. Discovery has not, however, commenced and the court is awaiting a Certificate of Initial Attorney's Conference as required by the Local Rules of this court before entering a Pretrial Order. Plaintiff is advised that once discovery is opened, his discovery rights will be governed by the Pretrial Order, the Local Rules, and the Federal Rules of Civil Procedure. Rule 45, Federal Rules of Civil Procedure, governs the issuance of subpoenas to non-parties and it will be plaintiff's responsibility to comply with that rule, inasmuch as the court is not the advocate for either party. Plaintiff is further advised that litigation in federal court is complex and that he would be well served in hiring counsel to assist him.

All parties and counsel are advised that the CIAC is now past due and that the court expects a certificate to be filed within 10 days so that a Pretrial Order can be entered.

ORDER

IT IS, THEREFORE, ORDERED that plaintiff's "R.E. Motion for Discovery" (#14) is **DENIED** without prejudice.

Signed: April 27, 2007

ennis C. Hawel

Dennis L. Howell United States Magistrate Judge